

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pacific Gas and Electric Company
(U 39 M) for Section 851 Approval of Agreements
Allowing Access to Electric Distribution Facilities
for the Installation and Maintenance of
Telecommunications Equipment.

Application 00-12-026
(Filed December 19, 2000)

**ADMINISTRATIVE LAW JUDGE'S RULING
REQUIRING PACIFIC GAS AND ELECTRIC COMPANY (PG&E)
TO SUBMIT RELEVANT ENVIRONMENTAL ASSESSMENTS CONDUCTED
BY THE SCHOOL DISTRICTS IN THEIR ROLE AS LEAD AGENCIES**

PG&E states on page 14 of Application (A.) 00-12-026 that the Commission need not conduct an environmental review of the lease agreements between PG&E and the San Louis Coastal Unified School District and the Dublin Unified School District because, in part, the School Districts "are their own Lead Agencies for purposes of CEQA review and each is subject to the approval and permitting processes applicable to their own installation projects."

Under the California Environmental Quality Act (CEQA), the Commission must consider the environmental consequences of a project that is subject to the Commission's discretionary approval. (Public Resources Code § 21080.) If a project is subject to approval by two or more public agencies, one agency becomes the "lead agency" for assessing the environmental impact of the project. All other public agencies that have discretionary approval power over the project are "responsible agencies." (CEQA Guideline Section 15381) A responsible agency must consider the lead agency's environmental assessment prior to acting upon or approving the project. (CEQA Guideline Section 15050(b).)

This ruling makes no determination at this time as to whether the Commission is the lead agency or a responsible agency with respect to PG&E's lease agreements with the School Districts. However, if the Commission is a responsible agency, and not the lead agency, the Commission would have to review each School District's environmental documentation before the Commission could act on A.00-12-026. Therefore, to ensure there is an adequate record for the Commission to decide CEQA-related issues, this ruling directs PG&E to obtain and submit any environmental assessments conducted by the School Districts regarding the lease agreements and associated activities that are before the Commission in this proceeding. In particular, PG&E shall submit any environmental impact reports, negative declarations, or exemptions pertaining to PG&E's lease agreements with the School Districts and associated activities. PG&E shall also submit a detailed written statement that explains whether the submitted environmental assessments provide an adequate basis for the Commission to discharge its CEQA-related responsibilities with respect to PG&E's lease agreements with the School Districts.

PG&E shall file and serve the documents required by this ruling no later than November 16, 2001. Other parties may submit replies no later than November 28, 2001.

Therefore, **IT IS RULED** that:

1. PG&E shall file and serve by November 16, 2001, the documents identified in the body of this ruling.
2. Parties may file and serve replies no later than November 28, 2001.

Dated November 6, 2001, at San Francisco, California.

/s/ TIMOTHY KENNEY

Timothy Kenney

Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Requiring Pacific Gas and Electric Company (PG&E) to Submit Relevant Environmental Assessments Conducted by the School Districts in Their Role as Lead Agencies on all parties of record in this proceeding or their attorneys of record.

Dated November 6, 2001, at San Francisco, California.

/s/ KE HUANG

Ke Huang

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.